

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TERRY LEROY BRASDA,

Defendant.

Cause No. CR 14-96-GF-BMM

ORDER DENYING MOTION TO
REDUCE SENTENCE

On November 28, 2016, Defendant Brasda moved the Court, for the second time, to reduce his sentence under 18 U.S.C. § 3582(c)(2) and Amendment 794 to the United States Sentencing Guidelines. He adds a request that his sentence be reduced under Amendments 782 and 788. Brasda is a federal prisoner proceeding pro se.

As Brasda was already advised, Amendment 794 has not been made retroactively applicable to sentences that were final before the amendment was enacted. Nothing has changed since the Court denied Brasda's previous motion on October 3, 2016. *See* Order (Doc. 829) at 1-3.

Amendment 782 was adopted on November 1, 2014. Brasda was sentenced on March 25, 2015. He received the benefit of the amendment at the time of sentencing. *Compare* Presentence Report ¶ 20; U.S.S.G. § 2D1.1(c)(6) (eff. Nov.

1, 2014), *with* U.S.S.G. § 2D1.1(c)(5) (eff. Nov. 1, 2013). There is no need to apply Amendment 782 retroactively.

Accordingly, IT IS HEREBY ORDERED that Brasda's second motion to reduce the sentence (Doc. 833) is DENIED.

DATED this 14th day of December, 2016.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris
United States District Court Judge